



Application for **SPECIAL USE PERMIT**

Department of Planning and Development Review  
Land Use Administration Division  
900 E. Broad Street, Room 511  
Richmond, Virginia 23219  
(804) 646-6304  
<http://www.richmond.gov>

Application is hereby submitted for: (check one)

- special use permit, new**
- special use permit, plan amendment**
- special use permit, text only amendment**

**Project Name/Location**

Property Address: 205 W Brookland Park Blvd Date: Aug. 6, 2020  
 Tax Map #: N000-0887/035, Fee: \$1,800  
 Total area of affected site in acres: 0.149

(See **page 6** for fee schedule, please make check payable to the "City of Richmond")

**Zoning**

Current Zoning: UB-PE7

Existing Use: art gallery

**Proposed Use**

(Please include a detailed description of the proposed use in the required applicant's report)

Existing Use: art gallery with additional space for gallery, studio and artist workshop use (more detailed description attached)

Is this property subject to any previous land use cases?

Yes  No  If Yes, please list the Ordinance Number: \_\_\_\_\_

**Applicant/Contact Person:** Zachary Reid

Company: Richmond Art Garage llc  
 Mailing Address: 1212 W Laburnum Ave.  
 City: Richmond State: VA Zip Code: 23227  
 Telephone: (804) 385-9663 Fax: (none) none  
 Email: zreid@richmondartgarage.com

**Property Owner:** Richmond Art Garage llc

If Business Entity, name and title of authorized signee: Zachary Reid

(The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.)

Mailing Address: 1212 W Laburnum Ave  
 City: Richmond State: VA Zip Code: 23227  
 Telephone: (804) 385-9663 Fax: (none) none  
 Email: zreid@richmondartgarage.com

**Property Owner Signature:** 

The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. **Faxed or photocopied signatures will not be accepted.**

**NOTE:** Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

Aug. 6, 2020

To Division of Land Use  
From Richmond Art Garage/Zachary Reid  
Re Special Use Permit for 205 W. Brookland Park Blvd.

I'd like to construct an L-shaped addition to my art gallery.

### **Why I need a SUP**

To waive the requirement of a 20-foot setback from the alley behind my property.

### **How come?**

1. A SUP would allow me to make use of as much of my relatively small (72- by 90-foot) urban lot as possible while still allowing space on the lot for outdoor market and activity space.
2. The U-shaped building I'd like to create would allow me to focus the gallery's attention toward the commercial activity on Brookland Park Boulevard without having to worry about maintaining dead space in the back that faces the residential block behind me.
3. It would allow me to create and maintain a secure perimeter that looks like an intentional property improvement rather than having to construct an industrial-looking chain link fence.

### **Benefits to the neighborhood?**

1. I'm building out a lot that was long vacant and neglected, creating an arts venue and outdoor market space that will hopefully appeal to the neighbors. Viewed in the context of my commercial neighbors – within a block of us, there's a music venue, a recording studio, a craft gallery, a pottery studio and a used art supply store – this project could help the neighborhood become a destination for creative projects.
2. The one- to two-story addition would create a roughly 10- to 20-foot high buffer between the bustle of Brookland Park Boulevard and the relative calm of the residential area behind me on Hanes Avenue.

### **Operation specifics**

The retail part of the gallery will employ at most two people at a time and will typically be open Wednesday-Saturday. The studio and workshop space will be utilized by a small group of local artists for the creation of work and for classes, seminars and other art-related activity.

### **Neighbors?**

We've shared our plans with representatives from the three civic associations that converge in our area, and we've received support from the presidents of all three: Willie Hilliard of the Brookland Park Area Business Association, Carra Rose of the Battery Park Civic Association and Karen Link of the North Barton Heights Civic Association. We've also received the support of Anthony Tucker, who owns the restaurant next to us, and from Cory Weiner, whose CW Performance Group owns about a dozen properties in the blocks adjacent to ours.



Mr. David Watson  
Planner II, Land Use Administration  
Department of Planning and Development Review  
900 E Broad Street, 5<sup>th</sup> Floor  
Richmond, VA 23219

February 5<sup>th</sup>, 2021

**Re: SUP review at 205 West Brookland Park Boulevard (SUP-077486-2020)**

INTRODUCTION:

Mr. Zachary Reid of Richmond Art Garage LLC (the “Owner”), initially made application for the special use permit (the “SUP”) independently to relieve certain feature requirements at 205 West Brookland Park Boulevard (the “Property”). Since receiving the comment letter dated September 29<sup>th</sup>, 2020, the Owner has engaged us to assist in responding to comments and managing the SUP process until its approval.

We have worked with the Owner in order to assemble response materials that more accurately and efficiently define the scope of the request and its goals. In doing so, a number of additional uses (and feature requirements appurtenant thereto) that are not entirely permitted were identified and are now being included in the SUP. Those uses are further discussed in the brief narrative we have provided below.

NARRATIVE:

The Property is located on the south side of West Brookland Park Boulevard between its intersection with Hanes Avenue and Fendall Avenue. The Property is referenced by the City Assessor as tax map number N0000887035, is 72 feet in width, and contains 6,480 square feet in lot area. The Property is improved by a building that was originally occupied as an auto repair shop and has since been used for a variety of uses. The Owner is currently operating an art gallery and studio space within the building that he would like to expand upon. The SUP would generally permit the expansion of the art gallery and studio space, the periodic use of the courtyard for assembly and entertainment use, and the periodic use of the courtyard for outdoor market, food sales, and retail uses.

The Brookland Park Boulevard corridor is generally “mixed-use” in nature and features a variety of land uses, such as office, retail, restaurant/cafes, and multifamily residential. Immediately to the west of the property is a family-owned restaurant and catering company. Immediately to the east is a vacant historic bank structure. Within a few blocks of the Property are a number of

businesses with entertainment uses, as well as some other art galleries, studio spaces, markets, and retail uses.

The Property is currently zoned UB Urban Business and is located in the Parking Exempt Overlay District as designated by Ordinance 2015-200-196. This zoning district permits a variety of uses and is afforded generous parking relief for existing structures. Nonetheless, new structures are still required to provide parking for most uses. The UB district also requires rear-yard setbacks of twenty (20) feet for new structures when situated across and alley from an R-zoned district. Lastly, while the UB district permits the entertainment use, it only permits it when occurring indoors. The SUP is consistent with the intent of the UD District regulations which are intended to “encourage business areas with a densely developed pedestrian-oriented urban shopping character, compatible with adjacent residential neighborhoods, and with minimal disruption from vehicle-oriented land uses and features that would detract from a safe, convenient and economically viable pedestrian environment.”

The Richmond 300 plan (the “Master Plan”) suggests “Community Mixed Use” (“CMU”) as the appropriate future land use designation for the Property. This designation suggests development that engages with and enlivens the street. It prioritizes pedestrian, bicycle, and transit access in designing new projects, and that driveway access be minimized or eliminated if possible. New development in CMU areas can be between two and six stories depending on the historic context. The sought-after primary uses for new development in CMU areas include “retail/office/personal service, multi-family residential, cultural, and open space,” (p.58). The Property also falls within the Brookland Park Boulevard Regional/National Node as designated in the Master Plan’s appendix. This node celebrates the unique culture of the neighborhood, and that while there may be limited opportunities for new development, the primary next steps for the neighborhood include to “explore the creation of signature public art,” (C-22). The SUP is consistent with this guidance.

The SUP would authorize the construction of a one-to-two story building addition constructed of shipping containers on the vacant portion of the Property. This addition would expand the existing gallery and studio space housed in the existing building, as well as the incidental uses thereto (such as storage). A portion of the addition would fall within the required 20-foot rear-yard setback applicable to new structures on the Property. In addition, an existing masonry structure, which encloses HVAC equipment also lies within the 20-foot rear-yard. The SUP would authorize the construction of the addition and legitimize the location of the HVAC enclosure within the rear yard. The proposed addition, along with the existing building, would not only provide for a courtyard area for outdoor activities. They would also provide a buffer for residential uses to the south from the Brookland Park corridor which does not exist today.

The SUP is also required to enable the Owner to periodically use the courtyard area for outdoor entertainment and an outdoor market for food sales and retail. While the UB District would permit the entertainment use, it would require it to occur indoors. The UB District does not permit the proposed outdoor market use. The use of the courtyard area, as proposed, will provide a community-oriented use that celebrates the creativity found not just in the City but, more specifically, the Brookland Park Boulevard corridor and its surrounding neighborhoods. This outdoor component of the proposed use would provide for a safe place for the community to

assemble outdoors that, particularly in the Covid era, would be an invaluable asset for the neighborhood. It would also provide for an active use that enlivens the public realm.

Lastly, the SUP would waive the applicable parking requirements related to the proposed uses. There is some precedent and recognition of the practical difficulties related to redeveloping property in this older urban commercial district with the implementation of the Parking Exempt District. While this exemption is only applicable to existing buildings, and therefore not applicable for the proposed addition, the same concern holds true. The goal of achieving a “densely developed pedestrian-oriented urban shopping character” is challenged when significant amounts of off-street parking must be provided. Retention of the existing surface parking on the site, which is accessed across the sidewalk along the principal street frontage by two curb cuts, would prevent the desired continuity of active uses along the principal street frontage that make urban commercial areas successful. The parking relief would allow for the use of the courtyard space as an active use along the frontage, a better pedestrian experience, enhanced pedestrian connections within the district, and fewer opportunities for conflict between vehicles and pedestrians.

RESPONSE TO COMMENTS

COMMENT	RESPONSE
<p><b>Doug Mawby \ DPW, Right of Way \ 804.646.0110</b>  <a href="mailto:Doug.Mawby@richmondgov.com">\ Doug.Mawby@richmondgov.com</a></p> <p>Denied</p> <p>1) No civil/site plans. More detailed plans needed to determine what improvements are being proposed within public right of way.</p> <p><b>Brian Copple \ DPW, Chief of Construction \ 804.646-3639</b>  <a href="mailto:Brian.Copple@richmondgov.com">\ Brian.Copple@richmondgov.com</a></p> <p>Denied</p> <p>2) Plans need to be resubmitted. Plans are difficult to read. Also, need to include a Site Civil Plan that shows what improvements will be constructed within public right of way.</p>	<p>1) Noted. Attached in our response materials is an updated site plan, completed by McKnight &amp; Associates and dated January 15<sup>th</sup>, 2021 (the “Site Plan”). The Site Plan shows that no new structures will be located in the public right of way. That said, the client is proposing that the easternmost curb cut entrance be replaced with concrete walk, thus limiting periodic ingress/egress for loading activities to one remaining apron: the westernmost apron shown on the Site Plan. This will be performed by the Owner and requisite Work in Street Permit(s) will be attained in doing so. This is being done in the spirit of strengthening the pedestrian realm along the commercial corridor.</p> <p>2) Noted, see response above.</p>

<p><b>George Woodall \ Commercial Building Plan Review \ 804-646-6978 \ <a href="mailto:George.Woodall@richmondgov.com">George.Woodall@richmondgov.com</a></b></p> <p>Denied.</p> <ol style="list-style-type: none"> <li>1) Plans are difficult to read.</li>   <li>2) Any exterior walls of the proposed addition with a fire separation distance of less than 10 feet must be minimum 1-hour fire rated per Table 602 VCC 2015. Openings in walls of the proposed addition must comply with Table 705.8 VCC 2015.</li> <li>3) Two accessible restrooms must be provided per Sections 404.2 VEBC 2015 &amp; 1109.2 VCC 2015.</li>   <li>4) A building permit will be required for the proposed work, at which time a complete building code review will be done. Please note that Virginia adopted the VUSBC 2015 on September 4, 2018. Additional or revised plans may result in additional comments.</li> </ol>	<ol style="list-style-type: none"> <li>1) Noted, the Site Plan has been prepared to offer a formal “plan view” of the proposed improvements. To-scale conceptual floor plans and elevations (the “Plans”) have also been prepared to offer a 2-dimensional understanding of the SUP proposal.</li> <li>2) Noted; plans submitted under the BLDC review process will verify this requirement upon approval of the SUP.</li> <li>3) Noted; shown in the Plans are two new ADA restrooms, as shown in the “Lower Floor Plan” and delineated under “Notes: (3)”</li> <li>4) Noted; a more thorough code review can occur under the BLDC review process.</li> </ol>
<p><b>Joshua Young \ Zoning Administration \ 804-646-6923 \ <a href="mailto:Joshua.Young@richmondgov.com">Joshua.Young@richmondgov.com</a></b></p> <p>Denied</p> <p><i>Comments below are paraphrased from letter dated 9/3/2020</i></p> <ol style="list-style-type: none"> <li>1) Many of the plan sheets are illegible. A clearer scan or the original PDF files from the architect or engineer will be needed for a more thorough analysis.</li>   <li>2) A portion of the proposed addition will consist of an existing shipping container placed on the property without authorization within the required rear yard. A Special Use Permit is required to be adopted by City Council to authorize this use. Additional waivers may be required once revised plans are submitted.</li>   <li>3) Side yards. No side yards shall be required, except that where a side lot line abuts property in an R or RO district, there shall be a side yard of not less than ten feet in width. <b>The current survey of the property submitted with the SUP shows the shipping container to be located across the east side property line. A new proposed site plan needs to be submitted showing the location of the container entirely on the subject property.</b></li> </ol>	<ol style="list-style-type: none"> <li>1) A new site plan, floor plans and elevations have been provided.</li>   <li>2) We understand that any zoning feature requirements that are not met would be addressed by the SUP, in addition to the authorization of the proposed use of the courtyard space.</li>   <li>3) The Site Plan specifies that this particular shipping container will be moved and will not encroach onto neighboring properties. The Plans show that the existing shipping container is not the ultimate SUP proposal. Instead, a structure consisting of a series of interconnected shipping containers—all of which will be located entirely on the Property – is proposed.</li> </ol>

<p>4) Rear yard. No rear yard shall be required, except that where a rear lot line abuts or is situated across an alley from property in an R or RO district, there shall be a rear yard of not less than 20 feet in depth. The rear property line of 205 W. Brookland Park Boulevard is situated across and alley from property in an R-6 zoning district, a rear yard of 20 feet is required.</p> <p>5) Screening Requirements: When a new site plan is submitted it will need to show how the area(s) used for refuse will be screened per: DIVISION 7. SCREENING OF REFUSE AREAS Sec. 30-660.</p> <p>6) Building Height – no building or structure shall exceed 28 feet in height. I can't tell from the submitted plans if the building height requirement is being met. Clearer plans should address that.</p> <p>7) Parking: Please provide the floor area of the existing building and the floor area of the proposed addition on the plans for the purpose of calculating the parking requirement. A proposed site plan needs to be submitted showing the parking area.</p> <p>8) Parking Improvements: No parking details were provided with the submittal. Please list any paving or surface materials on the proposed site plan.</p> <p>9) Mechanical Equipment: Any outdoor mechanical equipment 36" above grade or taller must meet all setback requirements for the zoning district where it is located. It is STRONGLY advised that the location of the units be determined while still in the early stages of the building plan process. Mechanical equipment being screened from view of the right-of-way is a common condition of Special Use Permit approvals.</p> <p>10) Signage: There are no specifications proposed with the signs shown on the plans. The U-B zoning district permits the following types of signs: wall signs, projecting signs, suspended signs, awning signs, canopy signs, and freestanding signs shall be permitted, subject to the restrictions set forth in this section</p> <p>a. The aggregate area of all signs located on a lot shall not exceed one square foot for each linear foot of street frontage nor in any case 100 square feet</p>	<p>4) To the extent that the site plan depicts improvements within the 20-foot it would be a part of the SUP approval.</p> <p>5) Refuse containers will be located within the existing masonry enclosure that has been constructed to the rear of the existing building.</p> <p>6) As shown in the Plans, the height of the proposed structure(s) is nineteen (19) feet. This is well below the 28 feet permitted under the applicable zoning and should not require further relief under the SUP.</p> <p>7) The requested floor areas have been provided for use in your calculations. A waiver of the required parking is being requested as a part of the SUP.</p> <p>8) As discussed above, no designated off-street parking spaces are proposed.</p> <p>9) Mechanical equipment will be located within the existing masonry enclosure at the rear of the existing building. To the extent that this enclosure is within the rear yard, we understand it will be part of the SUP approval.</p> <p>10) Noted, the underlying requirements are sufficient to enable future signage as desired by the Owner.</p>
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<ul style="list-style-type: none"><li>b. No projecting sign shall exceed 24 square feet in area or be located within 25 feet of another projecting sign on the same building wall. No such sign, other than a noncommercial flag, shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached.</li><li>c. One freestanding sign not exceeding 16 square feet in area or ten feet in height shall be permitted</li></ul>	
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